

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2005

D046737 Yates v. California Terraces Neighborhood Homeowners Association

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D042150 People v. Huggins

Judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

D045150 Property Owners of Whispering Palms, Inc. v. Newport Pacific, Inc. et al.

The opinion filed on September 8, 2005 is modified. No change in judgment. The petition for rehearing is denied. CERTIFIED FOR PUBLICATION

D045934 In re Oscar Z., a Juvenile

The order adjudging Oscar to be a ward of the court is affirmed. The order is reversed as to the probation conditions. The matter is remanded for modification and re-determination of the conditions as set forth in this opinion. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D046825 Barczewski et al. v. The Copley Press, Inc.

Pursuant to California Rules of Court, rule 8, the appeal filed July 11, 2005, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

D045793 Nelson v. Gray Systems, Inc.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D045380 Ligand Pharmaceuticals, Inc. v. Bruffey

The judgment is affirmed. Bruffey is entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 4, 2005

D045553 In re Moore on Habeas Corpus

The petition is denied. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D042549 People v. Lemus

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P. J., Aaron, J.

D044387 Buckwalter v. City of Escondido

Summary judgment is affirmed. Each party shall bear its own costs. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D045275 People v. Bissell

Petition for rehearing is denied.

D045961 People v. Nguyen

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D042980 People v. George

The judgment is reversed as to the second robbery count and is otherwise affirmed. The matter is remanded with directions to the trial court to modify the judgment consistent with this opinion and forward a copy of the modified abstract of judgment to the Department of Corrections. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

D045843 In re X.V. et al., Juveniles

D046360 In re X.V. on Habeas Corpus, J.

The petition for rehearing is denied.

D044540 Graces, et al. v. Cannon Pacific Services, LLC

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. The plaintiffs are to recover costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D044992 Alemu v. Venn-Watson et al.

Summary judgment in favor of Surgical Center is affirmed. Alemu's appeal of discovery sanctions levied against him is dismissed without prejudice to asserting the claim on an appeal from a final judgment. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D047117 Mills v. Superior Court of San Diego County/People

The petition is denied.

D046239 In re Christian H. et al, a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

D047205 People v. Darulis

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 4, 2005 (Continued)

D045067 Adoption of Joshua S.
The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 5, 2005

D044896 ASP Properties Group v. Fard, Inc.

The judgment is affirmed. Tenant is entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D045110 People v. Miani

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

D044763 People v. Rodriguez

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D047233 Gafcon/Taylor Ball JV v. Superior Court of San Diego County/900 F Street Partners

The petition is denied. Petitioner has an adequate remedy by way of appeal.

D045642 People v. Branson

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D045002 People v. Kashani

The matter is remanded to the superior court for correction of the record to show a conviction of Health and Safety Code section 11377, subdivision (a) as to the 1984 conviction. The order is affirmed in all other respects. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

D044912 People v. Delreal

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D043581 People v. Magana

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D047203 Landmark Hotel LTD. v. Molina

The petition is denied.

D047188 Munoz v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 6, 2005

D046063 Council of Community Clinics et al., v. Workers' Compensation Appeals Board/Remedy Temp et al.,
The petition for rehearing is denied.

D045494 Angelo v. Orensztain
Judgment affirmed. Appellant to pay respondent's costs on appeal. Haller, J.; We Concur: McConnell, P.J., Benke, J.

D047066 Amber C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Amber C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D044838 People v. Cantrell
The petition for rehearing is denied.

D046190 In re E. H. et al., Juveniles
The judgments terminating parental rights and the order denying placement with the aunt are affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D045572 People v. Razo
The judgment is affirmed. Huffman, Acting P.J., We Concur: Aaron, J., Irion, J.

D044200/D044662 People v. Young
Young's appeal from the order imposing sentence before granting probation (D044200) is dismissed as moot, and the judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044103 People v. Rivera
The judgment is reversed. McConnell, P.J.; I Concur: O'Rourke, J., I respectfully dissent: Nares, J.

D046615 In re Nathaniel D., a Juvenile
The May 20, 2005 judgment is reversed. This matter is remanded to the juvenile court for the limited purpose of ensuring compliance with ICWA. The juvenile court is directed to 1) appoint counsel for both parents; 2) allow both parents to participate in proceedings on remand; and 3) order Agency to comply with the notice requirements of ICWA and relevant case law interpreting ICWA. If, after proper inquiry and notice, a tribe claims Nathaniel is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, after proper inquiry and notice, no response is received or no tribe claims that Nathaniel is an Indian child, the judgment terminating parental rights shall be reinstated. The remittitur is to issue forthwith. (Cal. Rules of Court, rule 20(c)(2).) McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 7, 2005

D046519 In re K.D., a Juvenile

The orders are affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D044802 Hudlow Company, Inc. et al. v. Ortega et al.

The judgment is affirmed. Ortega is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D045550 Western Lights Source, Inc. v. Brookwood Kearny Mesa Investors, LLC et al.

The order is modified by deleting the award of expert witness fees to Sentre so that the order reflects a total costs award to Sentre of \$4,159. As so modified, the order is affirmed. Costs on appeal are awarded to Western Light. (Cal Rules of Court, rule 27(a)).

D046826 In re Armstrong on Habeas Corpus

The petition is denied.

D047146 In re Close on Habeas Corpus

The petition is denied.

D047155 In re Witt on Habeas Corpus

The petition is denied.

D046723 In re Erica O. et al., Juveniles

The appeal is dismissed. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D045194 In re Owens on Habeas Corpus

D043994 People v. Owens

The petition for rehearing is denied. Presiding Justice McConnell and Justice Nares concur in the denial; Justice O'Rourke would grant.

D045194 In re Owens on Habeas Corpus

D043994 People v. Owens

It is ordered that the opinion filed herein on September 8, 2005, be modified. No change in judgment.

D047153 In re Patterson on Habeas Corpus

The petition is denied.

D047127 In re Davis on Habeas Corpus

The petition is denied.

D046552 In re Penny L., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D044255 Le v. Sam

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 7, 2005 (Continued)

D046386 People v. Hernandez

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D045838 People v. Kinser

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.